

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

VICKIE J. HAWKINS
Claimant

VS.

HUTCHINSON HOSPITAL CORPORATION
Respondent
Self-Insured

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Docket No. 244,984

ORDER

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge Bruce E. Moore on July 14, 1999.

ISSUES

The sole issue on appeal is whether claimant suffered accidental injury arising out of and in the course of her employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes that the Order should be affirmed.

Claimant testified that she began experiencing pain in the back of her knee on April 16, 1999. She later started having hip and back pain. According to claimant, the back pain started at approximately the time she saw Dr. Persaud on May 4, 1999. Claimant now contends the back condition results from repetitive lifting, bending, and twisting activities she did in the course of employment for respondent.

Respondent, on the other hand, points to initial medical records which fail to mention any work-related history. In some cases, the records indicate claimant's belief that the injury may have occurred while lifting weights.

At the conclusion of the hearing the Administrative Law Judge expressed his conclusion that claimant may, in fact, have injured her back while lifting weights. On the other hand, the Administrative Law Judge also noted claimant's testimony, essentially uncontradicted, that the condition worsened while she continued to work. On that basis,

the Administrative Law Judge ordered additional conservative treatment. He also noted that the issue of causation would remain to be more fully explored through medical testimony. The Board agrees with and affirms the finding by the Administrative Law Judge.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Bruce E. Moore on July 14, 1999, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 1999.

BOARD MEMBER

c: David H. Farris, Wichita, KS
E. Thomas Pyle III, Hutchinson, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director